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## Appeal Decisions

Site visit made on 26 May 2026

by **Chris Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> July 2026

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### Appeal A Ref: 6006392

#### Pavement o/s 24-32 Cheapside, Barnsley S70 1RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Nathan Still of In Focus Public Networks against the decision of Barnsley Metropolitan Borough Council.
  - The application reference is 2025/1014.
  - The development proposed is installation of a multifunctional communication hub including defibrillator and advertisement display.
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### Appeal B Ref: 6006393

#### Pavement o/s 24-32 Cheapside, Barnsley S70 1RR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by Nathan Still of In Focus Public Networks against the decision of Barnsley Metropolitan Borough Council.
  - The application reference is 2025/1015.
  - The advertisement proposed is installation of a multifunctional communication hub including defibrillator and advertisement display.
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### Decisions – Appeals A & B

1. The appeals are dismissed.

### Preliminary Matters

2. Appeal A relates to the refusal of planning permission for a digital telephone kiosk that would serve as a multifunctional hub. Appeal B is in respect to the refusal of an associated advertisement consent which would be an integral part of the proposed hub sought under Appeal A. While the remit of planning and advertisement consent appeals is different, to reduce repetition and for the avoidance of doubt, I have dealt with the two appeals together within a single decision letter.
3. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (the Framework) (December 2024) state that advertisements should be subject to control only in the interests of amenity and public safety. With respect to Appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

## **Main Issues**

4. The main issues in relation to Appeal A are:
  - whether the proposed development would be acceptable in respect of flood risk, having regard to the requirement to apply the sequential test; and,
  - the effect of the proposed development on the character and appearance of the area.
5. The main issue in relation to Appeal B is:
  - the effect of the proposed advertisement on the visual amenity of the area.

## **Reasons**

### *Flood Risk*

6. There is no dispute between the main parties that the appeal site lies within Flood Zone 2. In such circumstances, national policy requires the application of a sequential, risk-based approach to the location of development. While the appellant has submitted a site-specific Flood Risk Assessment, no sequential test has been undertaken, it being contended that such an exercise is not required. However, the exceptions to the application of the sequential test set out in the Framework and paragraph 051 of Planning Practice Guidance are limited. The proposal does not fall within the defined categories of minor development, and I have not been provided with evidence to demonstrate that the circumstances outlined in paragraph 175 of the Framework are engaged.
7. Accordingly, I find that the proposal is subject to the sequential test. In the absence of any assessment demonstrating that there are no reasonably available sites in areas of lower flood risk capable of accommodating the development, the proposal fails to satisfy the sequential, risk-based approach set out in national policy.
8. As such, I conclude that the proposed development would conflict with Policy CC3 of the Barnsley Local Plan (January 2019) (LP) and the aims of the Framework, which require development in areas at risk of flooding to be directed to sites of lower risk wherever possible.

### *Character and Appearance*

9. The appeal site is located on Cheapside, which forms part of a principal commercial street within Barnsley town centre. The area comprises a broadly level, pedestrianised environment with shared-surface characteristics, creating a spacious public realm. The street scene is defined by a varied but complementary palette of surfacing materials in a range of tones, together with street furniture including lampposts, seating, bins, planters and street trees. Collectively, these elements provide visual interest and articulation within the space, with the street trees in particular introducing areas of light and shade.
10. The wider street is characterised by active commercial frontages, incorporating a variety of signage, including some illuminated displays, as well as outdoor seating areas. At the time of my site visit, an outdoor market was in operation, reinforcing the area's role as a busy and dynamic commercial high street. Existing telecommunications infrastructure is present within the vicinity, including a communications kiosk to the north-west where Cheapside meets Queen Street,

and a traditional telephone box located further to the south-east on a slightly raised section of pavement.

11. The proposed telephone kiosk, incorporating a defibrillator and digital advertisement display, would be positioned within the pedestrianised area adjacent to a street tree. The structure would be of a simple, rectilinear form and finished predominantly in dark grey, with a large digital advertisement screen mounted on its rear elevation facing south-east.
12. Given its siting within a busy commercial street characterised by a variety of street furniture and visual activity, the proposed kiosk would appear incongruous within the street scene. Existing telecommunications infrastructure is present within the wider area, including along Cheapside and extending towards Queen Street and Peel Square. However, the proposal would have limited intervisibility with those structures. In particular, it would only be appreciably intervisible with the kiosk located at the junction of Cheapside and Queen Street, with both structures occupying broadly similar positions within the shared pedestrianised space.
13. The proposal would also be experienced in close association with the adjacent street tree, which would provide a degree of visual containment through its scale and seasonal variation. While the kiosk would be larger than some items of street furniture, the appeal site forms part of a wide and spacious public realm in which such elements are accommodated without appearing cluttered. Taking these factors together, I am not persuaded that the proposal would result in undue visual clutter or give rise to a harmful cumulative effect, even when considered alongside other kiosks and advertisement displays within the wider area.
14. I have had regard to the Council's concerns regarding the proliferation of similar structures, including reference to a recent appeal decision relating to development on Queen Street. However, based on the spatial relationships in this case, including the separation distances between existing structures and their limited intervisibility, I am satisfied that the proposal would not materially intensify the commercial character of the street or erode its visual coherence. In this respect, the appeal must be determined on its own merits, and the circumstances before me do not demonstrate harm arising from cumulative provision.
15. For the above reasons, and with regard to Appeal A, I conclude that the proposed scheme would not have a harmful effect on the character and appearance of the area. Accordingly, the proposed development would not conflict with Policies BTC3 and D1 of the LP, which seek, among other things, to ensure that development makes a positive contribution to public spaces and achieves a high standard of design that responds appropriately to its context, nor with the aims of the Barnsley Town Centre Public Spaces Strategy (September 2010).
16. With regard to Appeal B, and consistent with the reasons given above, I find that the proposed illuminated advertisement display would not have a harmful effect on the amenity of the area.

### **Other Matters**

17. I have taken into account the benefits identified by the appellant, including the provision of a publicly accessible defibrillator and enhanced digital connectivity. These are matters which weigh in favour of the proposal. However, these benefits do not alter my finding that the proposal fails to satisfy the sequential, risk-based

approach to development in areas at risk of flooding and they do not outweigh the resulting conflict with the development plan and national policy.

### **Conclusion**

18. Although I have found no harm with regard to the effect of the proposed development on the character and appearance of the area, no sequential test has been provided to demonstrate that there are no reasonably available sites for the development in areas of lower flood risk. This matter leads me to conclude that the proposal conflicts with the development plan and with national planning policy when taken as a whole.
19. Furthermore, while I have found that the proposed advertisement display under Appeal B would not, in itself, give rise to harm to amenity, it is intrinsically linked to the development proposed under Appeal A. Given that Appeal A fails in principle for the reasons set out above, the associated advertisement cannot be supported in the absence of the host development.
20. There are no material considerations, including the Framework, that indicate the appeals should be decided other than in accordance with the development plan. For the reasons given above, I conclude that the appeals should be dismissed.

*Chris Mayes*

INSPECTOR